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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/544,087	07/29/2005	Gerold Fleissner	23329	8596
535	7590	02/20/2008	EXAMINER	
K.F. ROSS P.C. 5683 RIVERDALE AVENUE SUITE 203 BOX 900 BRONX, NY 10471-0900			RINEHART, KENNETH	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/544,087	FLEISSNER, GEROLD
	<b>Examiner</b>	<b>Art Unit</b>
	Kenneth B. Rinehart	3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 July 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-15 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 29 July 2005 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites the limitation "the bearing" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 11 recites the limitation "the radial indentation" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "the radial enlargement" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "the radial enlargement" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 1, the phrase "or the like" "likewise" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Regarding claim 1, the phrase "sieve- like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "sieve- like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d). the examiner suggests using sieve.

Regarding claim 3, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Regarding claim 1, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d):

Regarding claim 3, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 1806220 in view of Spicher (2073429). DE 1806220 discloses a rotatably mounted drum through which fluid flows from outside to inside (fig. 1), whose stable casing (1, fig. 2) is provided over the circumference with a sieve-like perforated structure or the like (12), and is further provided with a likewise permeable outer covering (4) which covers the casing radially on the outside and preferably an intermediate layer (11) such as screen fabric is arranged between said covering and the casing of the perforated drum to increase the distance between the casing of the perforated drum and the outer covering, the outer covering is formed of a

perforated metal sheet or a film (4). DE 1806220 discloses applicant's invention substantially as claimed with the exception of characterized in that a clamping element extending in the axial direction and enlarged at least once in the radial direction over the working width of the perforated drum is mounted axially displaceably between the outer surface of the casing of the perforated drum and the inner surface of the outer covering, the clamping element is uniformly thick over its length but is directed at least once in the radial direction to a radial enlargement such as an arc or the like, the clamping element is arranged radially outside the ...casing and is held on said ... casing, the clamping element is held in a fixed position in the circumferential direction of the ... casing, a radially inwardly directed groove is inserted in the outer surface and over the working width of the ...casing, the clamping element is inserted into the groove and in the circumferential direction of the ...such that in the event of axially directed pulling of the outer covering no additional resistance is formed, the clamping element is in radial alignment with the circumferential surface of the perforated drum casing in the mounted state before the clamping of the outer covering. Spicher teaches a clamping element (9) extending in the axial direction and enlarged at least once in the radial direction over the working width of the perforated drum is mounted axially displaceably between the outer surface of the casing ... and the inner surface of the outer covering, the clamping element (9) is uniformly thick over its length but is directed at least once in the radial direction to a radial enlargement such as an arc or the like, the clamping element is constructed as narrow compared with its length (working width) (fig. 2), the clamping element is arranged radially outside the ...casing and is held on said ... casing (fig. 2), the clamping element is held in a fixed position in the circumferential direction of the ... casing (fig. 2), a radially inwardly directed groove (7) is inserted in the outer surface and

over the working width of the ...casing, the clamping element (9) is inserted into the groove and in the circumferential direction of the ...such that in the event of axially directed pulling of the outer covering no additional resistance is formed (The apparatus is capable of performing this function.), the clamping element (9) is in radial alignment with the circumferential surface of the ...casing in the mounted state before the clamping of the outer covering (fig. 3, fig. 4) for the purpose of retaining the outer covering in place. It would have been obvious to one of ordinary skill in the art to modify DE 1806220 by including a clamping element extending in the axial direction and enlarged at least once in the radial direction over the working width of the perforated drum is mounted axially displaceably between the outer surface of the casing and the inner surface of the outer covering, the clamping element is uniformly thick over its length but is directed at least once in the radial direction to a radial enlargement such as an arc or the like, the clamping element is constructed as narrow compared with its length (working width), the clamping element is arranged radially outside the ...casing and is held on said ...casing, the clamping element is held in a fixed position in the circumferential direction of the ...casing , a radially inwardly directed groove is inserted in the outer surface and over the working width of the ...casing, the clamping element is inserted into the groove and in the circumferential direction of the ...such that in the event of axially directed pulling of the outer covering no additional resistance is formed, the clamping element is in radial alignment with the circumferential surface of the ..casing in the mounted state before the clamping of the outer covering as taught by Spischer for the purpose of retaining the outer covering in place. The applicant is combining prior art elements according to known methods to yield predictable results. In this case the applicant is combining the leaf spring of Spicher with the dryer to

prevent the outer covering form moving relative to the casing. DE 1806220 in view of Spicher discloses applicant's invention substantially as claimed with the exception of the clamping element has the radial enlargement and the perforated drum casing has the indentation in the groove many times over the working surface. It would have been an obvious matter of design choice to modify DE 1806220 in view of Spicher to provide the clamping element has the radial enlargement and the perforated drum casing has the indentation in the groove many times over the working surface, since applicant has not disclosed that the number of times solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill and it appears that the claimed feature does not distinguish the invention over similar features in the prior art, since the one indentation of Spicher will perform the invention as claimed by the applicant.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over DE 1806220 in view of Spicher (2073429) as applied to claim 1 above, and further in view of Messmer (2741013). Messmer teaches spring steel (38) for the purpose of providing the appropriate elastic force. It would have been obvious to one of ordinary skill in the art to modify DE 1806220 in view of Spicher (2073429) by including spring steel as taught by Messmer for the purpose of providing the appropriate elastic force. The applicant is using a known technique to improve similar devices in the same way as the spring steel of Messmer will provide the appropriate elasticity to the leaf spring of Spicher.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over DE 1806220 in view of Spicher (2073429) as applied to claim 1 above, and further in view of Fleissner (6412140). Fleissner teaches perforation (9) suitable for the perforated drum casing (5) for flow

through to prevent blocking the passageway. It would have been obvious to one of ordinary skill in the art to modify DE 1806220 in view of Spicher (2073429) by including perforation suitable for the perforated drum casing for flow through as taught by Fleissner for the purpose of preventing blockage. The applicant is using a known technique to improve similar devices in the same way as the perforation of Fleissner will prevent blockage.

***Allowable Subject Matter***

Claims 10 and 11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth B. Rinehart whose telephone number is 571-272-4881. The examiner can normally be reached on 7:20 -4:20.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven McAllister can be reached on 571-272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

kbr

  
KENNETH RINEHART  
PRIMARY EXAMINER